

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEBRASKA**

IN RE;	)	Case No. Bk 19-41937
	)	Chapter 7 Proceeding
Brian C. Podwinski,	)	
	)	
Debtor	)	
	)	

**JOINT STIPULATION FOR RELIEF FROM AUTOMATIC STAY  
AND PROOF OF SERVICE**

Brian C. Podwinski (“Podwinski”), the Debtor, Ironwood Builders, LLC (“Ironwood”), by and through their respective counsel of record and John Stalnaker, Trustee (“Trustee”) agree as follows:

1. Podwinski filed his petition under Chapter 7 of the Bankruptcy Code on or about November 21, 2019; and that the Trustee is the acting trustee in this matter.
2. That the Bankruptcy Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §157, 11 U.S.C. §362, and Bankruptcy Rules 4001 and 9014.
3. Podwinski and his spouse entered into a contract with Ironwood to build a home at 15600 S. 76<sup>th</sup> Street, Roca, Nebraska. The real property is legally described as:  
  
Lot 4, Block 3, South Ridge Acres Addition, Lancaster County, Nebraska  
  
(the “Real Property”). Ironwood was not paid in full and filed a construction lien in the office of the Register of Deeds of Lancaster County, Nebraska on November 30, 2018 as Instrument No. 2018047468 (the “Construction Lien”); a copy of the Construction Lien is attached as Exhibit “1.”
4. There remains unpaid under the Construction Lien the principal amount of \$41,509.41 plus interest from November 30, 2018 to the extent permitted under Nebraska

law.

5. The Real Property is owned by the Debtor and his spouse as joint tenants. Under Neb. Rev. Stat. §52-140(1) the statute of limitations for foreclosure of a Construction Lien is 2 years from the date the lien was filed. The extension of the statute of limitations under 11 U.S.C. § 108(c) does not apply to extend the statute of limitations to the foreclosure claim against the Debtor's spouse, who is not involved in this case, and the creditors, Copperwood Capital LLC and the Nebraska Department of Revenue who hold liens on the Real Property that are junior to the Construction Lien.

6. Cause exists for relief from the automatic stay under 11 U.S.C. §362(d)(1).

7. Nothing contained in this Stipulation shall affect any defense that Podwinski may have to the foreclosure of the Construction Lien.

8. The Trustee abandoned the Real Property on August 13, 2020 at Filing No. 62.

9. The parties agree that Ironwood have relief from the automatic stay to permit Ironwood to send any notice required under applicable law or regulations to Podwinski or to any other party; to judicially foreclose the Construction Lien, to conduct a foreclosure sale of the Real Property; to realize upon Ironwood's Construction Lien; and that the stay under Fed. R. Bankr. P. 4001(a)(3) be waived

WHEREFORE, the parties pray that the Court enter an order approving their Stipulation.

Dated: October 26, 2020.

BRIAN C. PODWINSKI, Debtor

IRONWOOD BUILDERS, LLC,  
Creditor

By: LEPANT & LENTZ, PC, LLO  
650 J Street, Suite 125B  
Lincoln, Nebraska 68508  
(402) 421-9676

By: KNUDSEN, BERKHEIMER,  
RICHARDSON & ENDACOTT, LLP  
3800 VerMaas Place, Suite 200  
Lincoln, Nebraska 68502  
(402) 475-7011

By: /s/ John A. Lents - #24420  
One of Said Attorneys

By: /s/ Trev E. Peterson - #16637  
One of Said Attorneys

/s/ John D. Stalnaker  
John D. Stalnaker, #23809  
STALNAKER, BECKER & BURESH, P.C.  
P.O. BOX 24268  
Omaha, Nebraska 68124  
(402) 393-5421  
Trustee

**PROOF OF SERVICE**

I certify that on October 26, 2020 I electronically filed the foregoing Stipulation for Relief from Automatic Stay with the Clerk of the United States Bankruptcy Court for the District of Nebraska who sent electronic notice of the filing to the following ECF participants: Jerry Jensen, Assistant US Trustee, John A. Lentz, counsel for the Debtor, John Stalnaker, Chapter 7 Trustee and on all others requesting notice of filings through the Court's and that he mailed a copy to the Debtor:

Brian C. Podwinski  
15600 S. 76<sup>th</sup> Street  
Roca, NE 68430-4376

and to all parties listed on the Court's mailing matrix attached to this Stipulation by First Class United States Mail postage prepaid on this 26<sup>th</sup> day of October, 2020.

/s/ Trev E. Peterson - #16637

Label Matrix for local noticing  
0867-4

Case 19-41937-TLS  
District of Nebraska  
Lincoln Office  
Mon Oct 26 13:18:32 CDT 2020

PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

Charles S. Tomek  
c/o Michael W. Milone  
12020 Shamrock Plz #333  
Omaha, NE 68154-3537

Amanda Podwinski  
15600 S 76th St  
Roca, NE 68430-4376

Capital One Bank (USA), N.A.  
by American InfoSource as agent  
PO Box 71083  
Charlotte, NC 28272-1083

Chex Systems, Inc.  
7805 Hudson Rd., STE 100  
Woodbury, MN 55125-1703

Citizens One Home Loans  
PO Box 2800  
Glen Allen, VA 23058-2800

Country Malt Group  
330 W Armory Dr  
South Holland, IL 60473-2820

First State Bank Nebraska  
2701 Grainger Pkwy  
Lincoln, NE 68516-7764

GEA North America  
9165 Rumsey Rd  
Columbia, MD 21045-1929

Frontier Bank  
8380 Glynoaks Drive  
Lincoln, NE 68516-6304

Brian C. Podwinski  
15600 S 76th St  
Roca, NE 68430-4376

Adam Hubert  
4780 Linden St Ste 1  
Lincoln, NE 68516-1180

Briess Industries  
625 S Irish Rd  
Chilton, WI 53014-1702

Charles S Tomek  
16305 Webster St  
Omaha, NE 68118-2513

Citibank  
PO Box 6241  
Sioux Falls, SD 57117-6241

Copperwood Capital  
800 N Shoreline Blvd # 1500  
Corpus Christi, TX 78401-3700

Eakes  
617 W 3rd St  
Grand Island, NE 68801-5946

Frontier Bank  
1106 Benjamin Ave  
Norfolk, NE 68701-2763

Hop Head Farms  
4630 W Hickory Rd  
Hickory Corners, MI 49060-9779

LincOne Federal Credit Union  
c/o Joel G. Lonowski  
201 North 8th Street  
Suite 300  
Lincoln, NE 68508-1360

Ponte Investments, LLC  
John C. Ponte-Member/Mgr.  
1300 Division Rd.  
Suite 305  
West Warick, RI 02893-7558

Alpha Media  
1211 SW 5th Ave Ste 750  
Portland, OR 97204-3707

Capital One  
PO Box 60599  
City of Industry, CA 91716-0599

Chesterman Coco Cola  
4700 S Lewis Blvd  
Sioux City, IA 51106-9516

Citibank, N.A.  
5800 S Corporate Pl  
Sioux Falls, SD 57108-5027

Copperwood Capital  
800 N Shoreline Blvd #1500  
Corpus Christi, TX 78401-3700

Fifth Third Bank  
PO Box 997548  
Sacramento, CA 95899-7548

FundBox  
300 Montgomery St  
San Francisco, CA 94104-1902

Internal Revenue Service  
PO Box 7346  
Centralized Insolvency Operations  
Philadelphia, PA 19101-7346

Ironhide Construction, Inc.

3301 S 7th St Ste C

Lincoln, NE 68502-4308

Ironwood Builders

1220 Infinity Ct

Lincoln, NE 68512-9376

Document Page 6 of 9

(p)JPMORGAN CHASE BANK N A

BANKRUPTCY MAIL INTAKE TEAM

700 KANSAS LANE FLOOR 01

MONROE LA 71203-4774

JPMorgan Chase Bank, N.A.

s/b/m/t Chase Bank USA, N.A.

c/o Robertson, Anschutz &amp; Schneid, P.L.

6409 Congress Avenue, Suite 100

Boca Raton, FL 33487-2853

Kabbage

730 Peachtree St NE Ste 1100

Atlanta, GA 30308-1263

Keg Logistics

9110 E Nichols Ave Ste 105

Centennial, CO 80112-3466

Kinnamin Distributing, Inc.

3800 El Paso Dr

Lincoln, NE 68516-5804

Lancaster County Attorney

575 S. 10th St.

Lincoln, NE 68508-2810

(p)LANCASTER COUNTY TREASURER'S OFFICE

555 SOUTH 10TH ST STE 102

LINCOLN NE 68508-2860

Last Chance Funding Inc

3000 Marcus Avenue Suite 2W15

Lake Success, NY 11042-1005

LincOne Federal Credit Union

4638 W St

Lincoln, NE 68503-2833

(p)NAVITAS CREDIT CORP

ATTN JOYCE MCKULKA

201 EXECUTIVE CENTER DR SUITE 100

COLUMBIA SC 29210-8410

(p)NEBRASKA DEPARTMENT OF REVENUE

ATTN ATTENTION BANKRUPTCY UNIT

PO BOX 94818

LINCOLN NE 68509-4818

Nebraska Textile

111 Oakcreek Dr

Lincoln, NE 68528-1568

Pacific Financial Leasing

3455 S 344th Way # 344

Federal Way, WA 98001-9546

Paypal Credit SVCS/GEICRB

PO Box 960080

Orlando, FL 32896-0080

Peoples Choice FCU

2500 N St

Lincoln, NE 68510-1244

Ponte Investments

1300 Division Rd Ste 305

West Warwick, RI 02893-7558

Ponte Investments, LLC

Christopher M. Mulhearn, Esq.

1300 Division Road - Suite 304

West Warwick, RI 02893-7558

Robbers Cave, LLC

3235 S 10th St

Lincoln, NE 68502-4402

Robbers Cave, LLC

4400 Lucile Dr Ste 201

Lincoln, NE 68516-4211

Saxco International

1855 Gateway Blvd Ste 400

Concord, CA 94520-3289

Sears

PO Box 6241

Sioux Falls, SD 57117-6241

Sysco

900 King Bird Rd

Lincoln, NE 68521-3009

Sysco Food Service

c/o Wolkin Law Group

235 W Giaconda Way, Suite 217

Tucson AZ 85704-4343

Tadd Delozier

c/o Brian Kruse

3 Landmark Centre 1128 Lincoln Mall Ste

Lincoln, NE 68501

The LCF Group

411 Hempstead Tpke Fl 1

West Hempstead, NY 11552-1350

Ty Peteranetz

5320 S. 90th St

Lincoln, NE 68526-9224

Ty Peterantez

5320 S 90th St

Lincoln, NE 68526-9224

(p)US BANK

PO BOX 5229

CINCINNATI OH 45201-5229

US Attorneys Office  
100 Centennial Mall N  
487 Federal Building  
Lincoln, NE 68508-3868

US Department Of Education  
PO Box 5609 Direct Loan Servicing Center  
Greenville, TX 75403-5609

United States Attorney General  
950 Pennsylvania Avenue NW Rm 5137  
US Department Of Justice  
Washington, DC 20530-0009

Trev Peterson +  
Knudsen Berkheimer Richardson Endacott  
3800 VerMass Place, Suite 200  
Lincoln, NE 68502-4453

David J. Koukol +  
Koukol & Johnson, LLC  
12020 Shamrock Plaza  
Suite 333  
Omaha, NE 68154-3537

Jerry L. Jensen +  
Assistant U.S. Trustee  
U.S. Trustee's Office  
111 S. 18th Plaza, Suite 1148  
Omaha, NE 68102-1321

Joel G. Lonowski +  
Morrow Poppe Law Offices  
201 No. 8th Street, Suite 300  
Lincoln, NE 68508-2257

John D. Stalnaker +  
Stalnaker, Becker & Buresh, P.C.  
1111 N. 102nd Court, Suite 330  
Omaha, NE 68114-2194

Benjamin E. Moore +  
Rembolt Ludtke LLP  
3 Landmark Centre  
1128 Lincoln Mall, Ste. 300  
Lincoln, NE 68508-2878

John A. Lentz +  
Lepant & Lentz, PC, Llo  
650 J St.  
Ste 215b  
Lincoln, NE 68508-2986

Gregory S. Frayser +  
Cline Williams Wright Johnson & Oldfather  
1900 US Bank Building  
233 S. 13th Street  
Lincoln, NE 68508-2017

Jerry Jensen +  
Acting Assistant UST  
U.S. Trustee's Office  
111 South 18th Plz, Suite 1148  
Omaha, NE 68102-1321

John Stalnaker +  
1111 N. 102nd Ct  
Suite 330  
Omaha, NE 68114-2194

Tyler A. Masterson +  
Koukol & Johnson  
12020 Shamrock Plz  
Ste 333  
Omaha, NE 68154-3537

Sydney Huss +  
Cline Williams Law Firm  
12910 Pierce Street, Ste. 200  
Omaha, NE 68144-1106

Michael Weber Milone +  
Koukol & Johnson, LLC  
12020 Shamrock Plaza, Suite 333  
Omaha, NE 68154-3537

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

JPMorgan Chase Bank NA  
383 Madison Ave  
New York, NY 10179-0001

Lancaster County Treasurer  
Rm. 102 555 S. 10th St.  
Lincoln, NE 68508

Navitas Credit Corp  
201 Executive Center Dr Ste 100  
Columbia, SC 29210-8414

Nebraska Department Of Revenue  
PO Box 94818 Attn: Bankruptcy Unit  
Lincoln, NE 68509-4818

U.S. Bank National Association  
Bankruptcy Department  
PO Box 108  
Saint Louis MO 63166-0108

(d)US Bank  
800 Nicollet Mall  
Minneapolis, MN 55402-7000

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Ironwood Builders  
1220 Infinity Ct  
Lincoln, NE 68512-9376

(d)PRA Receivables Management, LLC  
PO Box 41021  
Norfolk, VA 23541-1021

(d)Ponte Investments  
1300 Division Rd Ste 305  
West Warwick, RI 02893-7558

End of Label Matrix  
Mailable recipients 75  
Bypassed recipients 6  
Total 81



Inst # 2018047468 Fri Nov 30 14:25:06 CST 2018  
Filing Fee: \$10.00  
Lancaster County, NE Assessor/Register of Deeds  
epockg Office CONSLN  
Pages 1



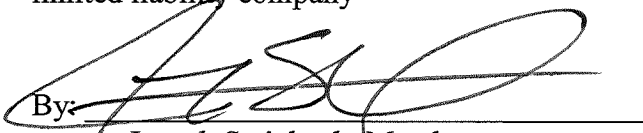
After recording return to:  
Seacrest & Kalkowski, PC, LLO  
1128 Lincoln Mall, Suite 105  
Lincoln, NE 68508

**CONSTRUCTION LIEN**

1. The real estate subject to this lien is: Lot 4, Block 3, South Ridge Acres Addition, Lancaster County, Nebraska.
2. The person against whose interest in the real estate the lien is claimed is: Brian Podwinski and Amanda Podwinski
3. The name and address of the Claimant is: Ironwood Builders, LLC, 1220 Infinity Court, Lincoln, NE 68512.
4. The name and address of the person with whom the Claimant contracted with is: Brian Podwinski and Amanda Podwinski, 15600 S. 76<sup>th</sup> Street, Hickman, NE 68430.
5. A general description of the Claimant's services performed, or to be performed, or materials furnished, or to be furnished for the improvement and the contract price are: new home construction with a contract price of \$630,609.41.
6. The amount unpaid, whether due or not, to the Claimant for the services or materials is: \$46,509.41.
7. The time the last services or materials were furnished was August 3, 2018.

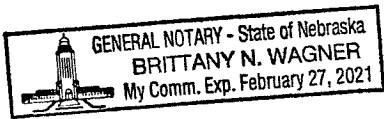
Dated: November 30, 2018.

**IRONWOOD BUILDERS, LLC**, a Nebraska limited liability company

By:   
Joseph Steinbach, Member

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of November, 2018 by Joseph Steinbach, as Member of Ironwood Builders, LLC, a Nebraska limited liability company, on behalf of the limited liability company.



  
Notary Public